



Sen. Neil Anderson

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LRB099 05511 AWJ 34029 a

1 AMENDMENT TO SENATE BILL 928

2 AMENDMENT NO. _____. Amend Senate Bill 928 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 11-10-1 and 11-10-2 and by adding Section
6 11-10-4 as follows:

7 (65 ILCS 5/11-10-1) (from Ch. 24, par. 11-10-1)

8 Sec. 11-10-1. In each municipality or fire protection
9 district, whether incorporated under a general or special law,
10 which utilizes fire protection services from a private
11 not-for-profit corporation or has a fire department
12 established and maintained by municipal or fire protection
13 district ordinances, every corporation, company, and
14 association which is not incorporated under the laws of this
15 state and which is engaged in effecting fire insurance in the
16 municipality or fire protection district, shall pay to the

1 foreign fire insurance board or to the secretary of the fire
2 protection district for the maintenance, use, and benefit of
3 the fire department thereof, a sum not exceeding 2% of the
4 gross receipts received from fire insurance upon property
5 situated within the municipality or district.

6 Each municipality and fire protection district may
7 prescribe by ordinance the rate of the tax or license fee to be
8 paid, but this rate shall not exceed the rate specified in this
9 section. Each designated corporation, company, and association
10 shall pay at the rate so prescribed, upon the amount of all
11 premiums which have been received during the year ending on
12 every first day of July for all fire insurance effected or
13 agreed to be effected on property situated within the
14 municipality or fire protection district, by that corporation,
15 company, or association respectively.

16 Every person who acts in any specified municipality or fire
17 protection district as agent, or otherwise, on behalf of a
18 designated corporation, company, or association, shall render
19 to the treasurer of the foreign fire insurance board or
20 secretary of the fire protection district, on or before the
21 fifteenth day of July of each year, a full and true account,
22 verified by his oath, of all of the premiums which, during the
23 year ending on the first day of July preceding the report, were
24 received by him, or by any other person for him on behalf of
25 that corporation, company, or association. He shall specify in
26 this report the amounts received for fire insurance, and he

1 shall pay to the treasurer of the foreign fire insurance board,
2 or to the secretary of the fire protection district, at the
3 time of rendering this report, the amount as determined by the
4 rate fixed by the ordinance of the municipality or fire
5 protection district for which his corporation, company, or
6 association is accountable under this section and the
7 ordinance.

8 If this account is not rendered on or before the fifteenth
9 day of July of each year, or if the sum due remains unpaid
10 after that day, it shall be unlawful for any corporation,
11 company, or association, so in default, to transact any
12 business in the municipality or fire protection district until
13 the sum due has been fully paid. But this provision shall not
14 relieve any corporation, company, or association from the
15 payment of any loss upon any risk that may be taken in
16 violation of this requirement.

17 The amount of this tax or license fee may be recovered from
18 the corporation, company, or association which owes it, or from
19 its agent, by an action in the name and for the use of the
20 municipality or fire protection district as for money had and
21 received.

22 The municipal comptroller, if any, and if not, then the
23 municipal clerk or the secretary of the fire protection
24 district, may examine the books, records, and other papers and
25 documents of a designated agent, corporation, company, or
26 association for the purpose of verifying the correctness of the

1 report of the amounts received for fire insurance.

2 This section shall not be applicable to receipts from
3 contracts of marine insurance, even though they include
4 insurance against fire, where the premium for the fire
5 insurance is not separately specified.

6 (Source: P.A. 95-807, eff. 8-12-08.)

7 (65 ILCS 5/11-10-2) (from Ch. 24, par. 11-10-2)

8 Sec. 11-10-2. A department foreign fire insurance board
9 shall be created within the fire department of each
10 municipality with fewer than 500,000 inhabitants that has an
11 organized fire department or utilizes fire protection services
12 from a private not-for-profit corporation. The board shall
13 consist of 7 trustees; the fire chief, who shall hold office by
14 virtue of rank, and 6 members, who shall be elected at large by
15 the sworn members of the department, or in the case of a
16 private not-for-profit corporation, volunteer members who have
17 served more than 2 consecutive years. If there is an
18 insufficient number of candidates to fill all these positions,
19 the number of board members may be reduced, but not to fewer
20 than 3 trustees. All members of the department shall be
21 eligible to be elected as officers of the department foreign
22 fire insurance board. The members of this board shall annually
23 elect officers. These officers shall be a chairman and a
24 treasurer. The trustees of the department foreign fire
25 insurance board shall make all needful rules and regulations

1 with respect to the department foreign fire insurance board and
2 the management of the money to be appropriated to the board.
3 The officers of the department foreign fire insurance board
4 shall develop and maintain a listing of those items that the
5 board feels are appropriate expenditures under this Act. The
6 treasurer of the department foreign fire insurance board shall
7 give a sufficient bond to the municipality in which the fire
8 department is organized. This bond shall be approved by the
9 mayor or president, as the case may be, conditioned upon the
10 faithful performance by the treasurer of his or her duties
11 under the ordinance and the rules and regulations provided for
12 in this section. The treasurer of the department foreign fire
13 insurance board shall receive the appropriated money and shall
14 pay out the money upon the order of the department foreign fire
15 insurance board for the maintenance, use, and benefit of the
16 department. As part of the annual municipal audit, these funds
17 shall be audited to verify that the funds have been expended by
18 that board only for the maintenance, use, and benefit of the
19 department.

20 The provisions of this Section shall be the exclusive power
21 of the State, pursuant to subsection (h) of Section 6 of
22 Article VII of the Constitution.

23 (Source: P.A. 95-807, eff. 8-12-08; 96-505, eff. 8-14-09.)

24 (65 ILCS 5/11-10-4 new)

25 Sec. 11-10-4. Definition. As used in this Division, "fire

1 department of a municipality" shall include any not-for-profit
2 corporation that has contracted with a municipality to provide
3 fire protection services, and individuals who provide fire
4 protection services on behalf of the not-for-profit
5 corporation shall be considered sworn members of the
6 department."